



UNITED STATES PATENT AND TRADEMARK OFFICE

UNITED STATES DEPARTMENT OF COMMERCE
United States Patent and Trademark Office
Address: COMMISSIONER FOR PATENTS
P.O. Box 1450
Alexandria, Virginia 22313-1450
www.uspto.gov

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/654,170	09/03/2003	Lonnie F. Gary	35036 00007	4327
20873	7590	07/13/2006	EXAMINER	
LOCKE LIDDELL & SAPP LLP			TRUONG, BAO Q	
ATTN: STACIE COX			ART UNIT	
2200 ROSS AVENUE			2875	
SUITE 2200			PAPER NUMBER	
DALLAS, TX 75201-6776			DATE MAILED: 07/13/2006	

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary	Application No.		Applicant(s)	
	10/654,170		GARY ET AL.	
	Examiner		Art Unit	
	Bao Q. Truong		2875	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE ____ MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 31 May 2006.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-12,26-37 and 44-47 is/are pending in the application.
- 4a) Of the above claim(s) ____ is/are withdrawn from consideration.
- 5) ☒ Claim(s) 1-12 and 26-37 is/are allowed.
- 6) ☒ Claim(s) 44-46 and 49 is/are rejected.
- 7) ☒ Claim(s) 47 and 48 is/are objected to.
- 8) ☐ Claim(s) ____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 03 September 2003 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. ____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|---|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413) |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | Paper No(s)/Mail Date. ____. |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| Paper No(s)/Mail Date ____. | 6) <input type="checkbox"/> Other: ____. |

DETAILED ACTION

Claim Rejections - 35 USC § 102

1. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

2. Claims 44-46 and 49 are rejected under 35 U.S.C. 102(b) as being anticipated by Karapita [US 3,822,051].

Regarding claim 44, Karapita discloses an automatically erectable support structure [10] having a base [19], a plurality of telescoping tubular members [14, 16] including a first member [16] in fixed relation to the base [19] and other member [14] telescoping upwardly from the first member [16], a vertical shaft [24] rotatably mounted inside the base [19] and extended upwardly from the base [19], and an electric motor [32] selectively providing rotational motion to the vertical shaft [24] in one of two rotational directions; and the vertical shaft [24] has a threaded upper portion [22] cooperatively engaged with other tubular member [14] to elevate the other tubular member [14] relative to the first member [16] when the shaft [24] is rotated in a first rotational direction and to lower the other tubular member [14] when the shaft [24] is rotated in the second rotational direction (figures 1-3, 7 and 10, whole document).

Regarding claims 45 and 46, Karapita discloses at least second and third tubular members telescoping upwardly (figures 7 and 10).

Regarding claim 49, Karapita discloses a switch controlling the rotational direction (column 2 lines 15-20).

Allowable Subject Matter

3. Claims 47 and 48 are objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims.

4. The following is a statement of reasons for the indication of allowable subject matter:

Claim 47, the support structure further comprises a tension line having a first end connected to the first tubular member and a second end connected to the third tubular member.

Claim 48, the support structure further comprises a tension line having a first end connected in fixed relation to the base and a second end connected in fixed relation to a tubular member other than the first tubular member.

The limitations discussed above are neither disclosed nor suggested by the prior art of record.

5. Claims 1-12 and 26-37 are allowed. The reasons for the indication of allowable subject matter of claims 1-12 and 26-37 have been indicated in the previous office action.

Response to Amendment

6. Applicant's respond with respect to claims 1-12, 26-37 and 44-47 have been considered but are moot in view of the new ground(s) of rejection. The updated search has found a new reference, Karapita [US 3,822,051], which is applied above.

Conclusion

7. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure. Petrovsky [US 4,793,197] and Atsukawa [US 5,660,495] disclose a movable telescoping device having a threaded rod inside and a plurality of tubular members.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Bao Q. Truong whose telephone number is (571) 272-2383. The examiner can normally be reached on Monday-Friday (8:00 AM - 4:00 PM).

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Sandra L. O'Shea can be reached on (571) 272-2378. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should

Art Unit: 2875

you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

Bao Q. Truong
Examiner
Art Unit 2875



Sandra O'Shea
Supervisory Patent Examiner
Technology Center 2800